

CIRCUMSTANTIAL EVIDENCE.

THE following strange narrative appeared in a volume called the "Theory of Presumptive Proof," published some sixty years since, and now not often met with:

A gentleman traveling to Hull was stopped late in the evening, about seven miles short of that town, by a single highwayman, with a mask on, who robbed him of a purse containing twenty guineas. The highwayman rode off by a different road, full speed, and the gentleman pursued his journey. It, however, growing late, and being already much frightened and agitated at what had passed, he rode only two miles further, and stopped at the Bell, a road-side inn, kept by James Brunell. He went into the kitchen to give directions for his supper, when he related to several persons his having been robbed to which he added this peculiar circumstance, that when he traveled he always gave his gold a particular mark; that every guinea in the purse he was robbed of was so specially marked, and that probably the robber, by that means, would be detected. Supper being ready, he retired. He had not long finished his repast when Mr. Brunell came into the parlor. After the usual inquiries of landlords of hoping the supper and everything was to his liking, etc., "Sir," says he, "I understand that you have been robbed not far hence this evening." "I have, sir." "And that your money was marked?" "It was." "A circumstance has arisen which leads me to think that I can point out the robber." "Indeed?" "Pray sir, what time in the evening was it?" "It was just setting in to be dark." "The time confirms suspicions." Mr. Brunell then informed the gentleman that he had a waiter, one John Jennings, who had of late been so very full of money he had had many words with him about it, and had determined to part with him on account of his conduct being so suspicious; that long before dark that day he had sent him out to change a guinea for him, and that he had only come back since he, the gentleman, was in the house, saying he could not get change; and that Jennings being in liquor, he had sent him to bed, resolving to discharge him in the morning. That at the time he returned him the guinea, he, Mr. Brunell, did not think it was the same which he had given him to get silver for, having perceived a mark upon this which he was very clear was not upon the other; but that nevertheless, he should have thought no more of the matter, as Jennings had so frequently gold of his own in his pocket, had he not afterwards heard—for he was not present when the gentleman was in his kitchen relating it—the particulars of the robbery, and that the guineas which the highwayman had taken were all marked; that, however, a few minutes previously to his having heard this, he had unluckily paid away the guineas which Jennings returned him to the man who lived some distance off and was gone; but the circumstance struck him so very strongly that he should not, as an honest man, refrain from giving this information.

Mr. Brunell was thanked for his attention and public spirit. There was the strongest reason for suspecting Jennings and if, on searching him any of the marked guineas should be found, as the gentleman could swear to them, there would then remain no doubt. It was now agreed to go softly up to his room; Jennings was fast asleep; his pockets were searched, and from one of them was drawn forth a purse containing exactly nineteen guineas. Suspicion became demonstration, for the gentleman declared them to be identically those of which he had been robbed. Assistance was called, Jennings was awakened, dragged out of bed, and charged with the robbery. He denied it firmly, but circumstances were too strong to gain him belief. He was secured that night, and the next day carried before a neighboring Justice of the Peace. The gentleman and Mr. Brunell deposed to the facts on oath; and Jennings, having no proofs, but mere assertions of innocence to oppose them, which obtained no credit, was committed to take his trial at the assizes.

So strong were the circumstances known to be against him, that several of his friends advised him to plead guilty on his trial, and to throw himself on the mercy of the Court. This advice he rejected, and when arraigned, pleaded not guilty. The prosecutor swore to his being robbed; but that, it being nearly dark, the highwayman in a mask, and himself greatly terrified he could not swear to the prisoner's person, though he thought him of much the same stature as the man

who robbed him. To the purse and guineas which were produced in Court, he swore—as to the purse positively, and as to the marked guineas, to the best of his belief, and that they were found in the prisoner's pocket.

The prisoner's master Mr. Brunell, deposed to the fact, as to sending the prisoner to change a guinea, and of his having brought him back a marked one in the room of the one he had given him unmarked. He also gave evidence as to the finding of the purse, and the nineteen marked guineas in the prisoner's pocket. And what consummated the proof, the man to whom Mr. Brunell paid the guinea produced the same, and gave testimony to his having taken it that night in payment from the prisoner's master. Mr. Brunell gave evidence to his having received of the prisoner that guinea which he afterwards paid to this last witness. And the prosecutor, comparing it with the other nineteen found in the pocket of the prisoner, swore to its being, to the best of his belief, one of the twenty guineas of which he had been robbed by the highwayman.

The Judge, on summing up the evidence, remarked to the jury on all the concurring circumstances against the prisoner; and the jury, on this strong circumstantial evidence, without going out of the court, brought in the prisoner guilty. Jennings was executed some time after, at Hull repeatedly declaring his innocence to the very moment of being turned off. This happened in the year 1742.

Within a twelvemonth after, lo! Brunell, Jennings's master, was himself taken up for a robbery done on a guest in his own house; and the fact being proven on his trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged the committing of many highway robberies for some years past, but the very one for which poor Jennings had suffered.

The account he gave, was that he arrived at home by a nearer way and swifter riding, some time before the gentleman got in who had been robbed. That he found a man waiting to whom he owed a little bill, and that not having quite enough loose money in his pocket, he took out of the purse one guinea, from the twenty he had just got possession of, to make up the sum, which he paid, and the man went away. Presently came in the robbed gentleman, who, while Brunell was gone in to the stables, and not knowing of his arrival, told his tale, as before related, in the kitchen. The gentleman had only just left the kitchen when Brunell entered it and being there informed, amongst other circumstances, of the marked guineas, he was thunderstruck! Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and marked money would soon become publicly known—detection, disgrace and ruin appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last struck him. The rest the reader knows.

Nasby's Domestic Experience.

When torn from my peaceful home to fit our friends of the South, I had a wife which I loved. Life was a peaceful stream and we floated calmly along. She took in washin' and I talked politics at a neighborin' grocery, investin' the proceeds of her labor in the sustenance afforded at the bar. When I returned, wat met me? The killin' of men outrite wuz not the most heartrendin' incidents of that fratricidal struggle. It wuz the severin' of domestic ties, the tearin' down of domestic altars, and the separatin' of families. When I returned I wuz coldly met.—Moozier Jane wuz at home. I askt her in my own familyer way for a dollar and a half, ez I wanted to go down the street.

"That's played!" she remarkt.

"Hev'n't you got it?" I askt.

"I hev," she replied, and I propose to keep it. I hev diskivered somethin' since yoove bin gone. I hev found that its easy enuff to support myself and children washin' at a dollar a dozen, but add to that a hulkin' man, with a nose like yoors, and it's harder than I keep. This house is mine—yo kin vacate."

And she calmly rung out a shirt ez though wat she said was a common place remark insted of a practical divorce. I left her. A feendish ablishnist hed put this idea into her hed, and she had acted on it. Since that time I have wended my way alone, subsistin' by chance. Ablishinism owes me the hicker I ought to hev hed out of wat that woman has urned sence that cruel day. O, what a fearful debt to pay.

Why Aunt Sally Never Married.

"NOW Aunt Sally, do please tell us why you never married.—You know you said once that when you were a girl you were engaged to a minister, and that you would tell us all about it, sometime. Now, Aunt, please do!"

"Well, you see, when I was about seventeen years old, I was living in Utica, in the State of New York. Though I say it myself, I was quite a good looking girl then and had several beaux. The one that took my fancy most was a young minister, a very promising young man, and remarkably pious and steady. He thought a great deal of me, and I kind of took a fancy to him and things ran on till we were engaged.

"One evening he came to me—I remember it as well as if it were only yesterday. When he came into the parlor where I was sitting alone, he came up to me and—but now, pshaw! girls, I don't like to tell the rest."

"Oh, Aunt Sally, for mercy's sake, don't stop; tell us what he did."

"Well, as I said, he came to me and put his arms around me, and rather hugged me, while I got excited and some frustrated, and it was a long time ago, and don't know but what I might have hugged back a little. Then I felt—but now just clear out every one you, I shan't tell you any more."

"Goodness, gracious, no, Aunt Sally. Tell us how you felt. Didn't you feel good, and what did he do next?"

"Oh, such torments as you are! I was like any other girl, and pretty soon I pretended to be mad about it, and pushed him away, though I wasn't mad a bit. You must know that the house where I lived was on one of the back streets in town. There were glass doors in the parlor, which opened right over the street—and no balcony or anything of the kind in front of the house. As it was in the summer season, these doors were opened and the shutters just drawn to.—I stepped back a little from him, and when he edged up close I pushed him away again. I pushed harder than I intended to, and don't you think girls, the poor fellow lost his balance, and fell through one of the doors into the street? Yes, it's so. As he fell I gave a scream and caught him—but declare I won't tell any thing more. I'm going to leave the room."

"No, no, Aunt Sally! How did you catch him? Did it hurt him much?"

"Well, if I must, I must. He fell head first, and as he was going I caught him by the legs of his trousers. I held on for a minute and tried to pull him back, but his suspenders gave way and the poor young man fell clear out of his pantaloons into a whole parcel of ladies and gentlemen passing along the street."

"O! Aunty, Aunty, Lordy, Lordy!—He, he, he!"

"There, that's right, giggle and squeal as much as you want to. Girls that can't hear about a little thing like that without tearing around the room and he-he-ing in such a way don't know enough to come home when it rains. A nice time the man that ever marries you will have, wont he? Catch me telling you anything again."

"But, Aunt Sally, what became of him? Did you ever see him again?"

"No, the moment he touched the ground he got up and left the place in a terrible hurry. I tell you it was a sight to remember, to see how the man did run. Father happened to be coming up the street at the time, and he said that he never saw anything to equal it in his whole life. I heard others say that he did the fastest running ever known in that part of the country, and that he never stopped or looked behind until he was two miles out of town. He sent me a note a few days afterward saying that the engagement must be broken off, as he never could look me in the face, after what had happened. He went out West, and I believe he is preaching in Illinois. But he never married. He was very modest, and I suppose he was so badly frightened that he never dared to trust himself near a woman again. That, is the reason, girls, I never married. I felt very bad about it for a long time, for he was a real good man, and I have often thought that we should always have been happy if his suspenders hadn't given way."

A new physiological discovery has been made by a young man—namely, that the pulse of the young ladies generally beats stronger in the palm of the hand than at the wrist. As to more elderly females, even little boys know by stern experience that the palm of the maternal hand beats awful strong.

A Good Dog Story.

A CHELSEA man, once on a time, before the running of horse cars, came to Boston with his young wife, to attend the opera. The lady was so fascinated that she refused to leave until the final drop of the curtain. Then, to the consternation of both, it was found to be so late as to raise a serious doubt whether the 12 o'clock Chelsea ferry boat could not be reached, and that was the last trip for the night. Nevertheless, they hurried down Hanover street, but only to find, as they feared, that the boat had gone. There was nothing left for them but to foot it along commercial street to Charlestown bridge, and through Charlestown, over Chelsea bridge, a long dreary walk, and one which at that time had a bad reputation, by reason of some recent assaults committed on belated pedestrians. The lady was greatly alarmed and very unwillingly went forward. But as they were hurrying along a strange, savage bull dog accosted them, much to the disgust and alarm of the lady, who bid him "be off," of which, however, he took no notice, but after smelling around finally made up his mind that they would answer his purpose and that he would theirs, and so deliberately trotted along after them. When they reached the long and dreary Chelsea bridge, nothing induced the lady to venture forward but the presence of this strange dog. As they were nearing the centre of the bridge, a slouchy man was discovered ahead leaning against the rail of the bridge, who immediately, on discovering the approaching party, began to move forward toward them, to the special consternation of the trembling woman. The gentleman spoke in an undertone to the dog, who seemed to understand the position and to be master of it, too, and left his place in front; and as they approached the suspicious man, greeted him with a savage growl, and appeared ready for a spring. The sight and sound of the dog acted as a charm on the man, and he slunk away from the path, and allowed the party to go along unchallenged.

The trio reached home in safety; and, it is hardly necessary to say, the strange, friendly dog was cordially welcomed into the house and fed and lodged like a prince of dogs, as he had shown himself to be. The next morning, the dog took his departure, without leaving his name or residence, and was never afterwards seen by the persons whom he had so mysteriously and effectively befriended.

Power of Imagination.

A wealthy lady had a tickling in the throat, and thought a bristle of her tooth-brush had gone down and lodged in her gullet. Her throat daily grew worse. It was badly inflamed, and she sent for the family doctor. He examined it carefully, and assured her that nothing was the matter—it was a nervous delusion, he said. Still her throat troubled her, and she became so much alarmed that she was sure she should die. A friend suggested she should call on Dr. Jones, a young man just commencing practice. She did not at first like the idea, but finally assented, and Dr. Jones was called. He was a person of good address and polite manners. He looked carefully at her throat, asked several questions as to the sensation at the seat of the malady, and finally announced that he could relieve her in a short time. On his second visit he brought delicate pair of forceps, in the teeth of which he had inserted a bristle taken from an ordinary tooth-brush. The rest can be imagined. The lady threw back her head; forceps were carefully introduced into her mouth, a pick, a loud scream, and it was over; the young physician, with a smiling face, was holding up to the light and inspecting, with lively curiosity, the extracted bristle. The patient was in raptures. She immediately recovered her health and spirits, and went about everywhere sounding the praise of her "saviour," as she persisted in calling the dexterous operator.

An English clergyman thus accosted a London street-Arab, whom he found playing marbles on Sunday; "Do you know what happens to little boys who play marbles on Sunday?" "They must either win or lose," said the boy. "No, my little man, that's not all; the Devil comes and carries them away." "Oh! but," says the boy, "the Scriptures says that, he is chained up." "Yes but his chains reach all over the world," said the clergyman. Quick as lightning came the answer, "Why if that's the case, the Devil might as well be loose."

Life in Germany.

YOU enter a German house without knocking, through a door which rings a bell, and thus announces the ingress or egress of some one. At the foot of the staircase you find a bell-handle, by ringing at which you call a servant who conducts you to a parlor or reception-room on the next floor, which you enter by knocks. You will find the parlor and the best rooms in the house adorned with beautiful pictures on the walls, and elegant lace-curtains at the windows, but probably without any carpet. The floor, however, is tresselated with beautiful patterns in various colors, and varnished or at least, it is scoured till it is as white as the driven snow. The amount of fine linen which a German housekeeper has, and which she is not reluctant to show her guests, is fabulous.

This is partly a mark of gentility and partly a matter of necessity, for the Germans have but three or four washing days in the whole year. And the baking of the black bread of the peasants is as infrequent as their washing. The Germans in the country, and in such cities as Göttingen, keep early hours, breakfasting at eight or earlier, dining at one, and usually going to bed as early as ten. We attended a concert of most delightful music, but it began at five P. M., and closed at seven in the evening. In short, the child-like virtues of simplicity, candor, naturalness and heartiness which have almost died out of fashionable American society still exist in Germany in all their primitive perfection. When we parted from our hostess, she embraced my wife, and kissed her repeatedly, as if she had been a sister or daughter, and did not even let her husband depart without a share in this hearty benediction.—[Professor Tyler.

Well Described.

IT IS described thus by a young man who tried it: "We both bowed to each of us, and then to t'other; then the fiddle tuned and the thing started. I grabbed her female hand, she squeezed mine, we both slung each other, then changed base clear across the room, jumped up and down ever so many times, then my dear and me dozed-a-dee and hop-stocked home again (from a foreign shore), then we two forwarded, four ladies changed, we X over, turned around twice, shuayed sideways, I backed to place, she dittoed, side couple turn gentlemen, side couple turn ladies, ladies turn side couples, head couples turn side couples, all hands around, back again. First feller takes opposite gal, slings her around, take your own gal and t'other feller's gal forward and back, twist both gals two times, sling 'em to opposite feller, let him do the same as you, and back again to the places; light gentleman balance to heavy lady, heavy lady duplicate, promenade all gals to the centre, fillers catch hold of each other's hands, bob up and down, arm over, ladies stop, jump up and down, each feller takes his lady back to place. Right gentlemen spin right lady, right lady spin left gentleman; twist each other, do it again' over, repeat, once more keep it up, all turn t'other backwards' sideways, each couple swing t'other couple, cross over, back again to our seats."

The Lost Found.

In a town not a thousand miles from the White Mountains lives an old farmer by the name of Tom P., who is famous for nothing except the quantity of dirt that it is always seen upon his person.—The following story is told at his expense, which may be true for aught I know to the contrary. One time he was taken sick, and a doctor was called in, who prescribed among other things that he should have a warm bath. Tom rebelled at this, but upon being told that his life depended upon it, he consented, and a tub of water was at once prepared by his better half, into which was thrown a liberal quantity of soap. A rough towel was then procured, and the old lady commenced the task of cleaning, for once, at least her lord and master. After working away for several minutes, her eyes were attracted by something bright that shone through the dirt, and she worked with redoubled energy. Another bright spot was soon visible a little way from the other; and, with a light in her eye that told of her joy at the discovery, she exclaimed:

"Daddy! daddy! I'm glad the doctor told me to wash you; for as I live, here are them trousers that you lost two years ago. I can tell 'em by the buttons!"